

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 383 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new paragraph and
2 insert:
3 "SECTION 1. IC 6-6-1.1-903 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 903. (a) A person is
5 entitled to a refund of gasoline tax paid on gasoline purchased or used
6 for the following purposes:
7 (1) Operating stationary gas engines.
8 (2) Operating equipment mounted on motor vehicles, whether or
9 not operated by the engine propelling the motor vehicle.
10 (3) Operating a tractor used for agricultural purposes.
11 (3.1) Operating implements of ~~husbandry~~ **agriculture** (as defined
12 in IC 9-13-2-77).
13 (4) Operating motorboats or aircraft.
14 (5) Cleaning or dyeing.
15 (6) Other commercial use, except propelling motor vehicles
16 operated in whole or in part on an Indiana public highway.
17 (7) Operating a taxicab (as defined in section 103 of this
18 chapter).
19 (b) If a refund is not issued within ninety (90) days of filing of the
20 verified statement and all supplemental information required by
21 IC 6-6-1.1-904.1, the department shall pay interest at the rate
22 established by IC 6-8.1-9 computed from the date of filing of the
23 verified statement and all supplemental information required by the
24 department until a date determined by the administrator that does not

1 precede by more than thirty (30) days the date on which the refund is
2 made.

3 SECTION 2. IC 9-13-2-56 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 56. ~~(a)~~ "Farm tractor"
5 means ~~except as provided in subsection (b);~~ a motor vehicle designed
6 and used primarily as a farm implement for drawing ~~farm machinery~~
7 ~~including plows, mowing machines, harvesters, and other~~ implements
8 of ~~husbandry, agriculture~~ used on a farm and, when using the
9 highways, in traveling from one (1) field or farm to another or to or
10 from places of repairs. The term includes a wagon, trailer, or other
11 vehicle pulled by a farm tractor.

12 ~~(b) "Farm tractor", for purposes of IC 9-21, means a motor vehicle~~
13 ~~designed and used primarily as a farm implement for drawing plows,~~
14 ~~mowing machines, and other implements of husbandry.~~

15 SECTION 3. IC 9-13-2-60 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 60. "Farm wagon"
17 means a wagon, other than an implement of ~~husbandry, agriculture,~~
18 used primarily for transporting farm products and farm supplies in
19 connection with a farming operation.

20 SECTION 4. IC 9-13-2-77 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 77. (a) "Implement of
22 ~~husbandry~~ **agriculture**" means ~~special farm machinery, farm~~
23 ~~machinery, and other agricultural implements, pull type and~~
24 self-propelled, ~~equipment~~ used for the: ~~transportation and~~

25 **(1) transport;**

26 **(2) delivery; or**

27 **(3) application;**

28 of ~~plant food materials or agricultural chemicals~~ **crop inputs, including**
29 **seed, fertilizers, and crop protection products,** and vehicles designed
30 to transport ~~farm these types of agricultural~~ implements.

31 **(b) The bureau shall determine by rule under IC 4-22-2**
32 **whether a category of implement of agriculture was designed to be**
33 **operated primarily:**

34 **(1) in a farm field or on farm premises; or**

35 **(2) on a highway.**

36 SECTION 5. IC 9-13-2-105, AS AMENDED BY P.L.265-2003,
37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2004]: Sec. 105. (a) "Motor vehicle" means, except as
39 otherwise provided in this section, a vehicle that is self-propelled. The
40 term does not include a farm tractor, an implement of ~~husbandry,~~
41 **agriculture designed to be operated primarily in a farm field or on**
42 **farm premises,** or an electric personal assistive mobility device.

43 (b) "Motor vehicle", for purposes of IC 9-21, means:

44 (1) a vehicle except a motorized bicycle that is self-propelled; or

45 (2) a vehicle that is propelled by electric power obtained from
46 overhead trolley wires, but not operated upon rails.

47 (c) "Motor vehicle", for purposes of IC 9-19-10.5 and IC 9-25,
48 means a vehicle that is self-propelled upon a highway in Indiana. The
49 term does not include a farm tractor.

50 (d) "Motor vehicle", for purposes of IC 9-30-10, does not include

1 a motorized bicycle.

2 SECTION 6. IC 9-13-2-170.3 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2004]: **Sec. 170.3. "Special machinery" means a portable
5 saw mill or well drilling machinery.**

6 SECTION 7. IC 9-13-2-180 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 180. "Tractor" means
8 a motor vehicle designed and used primarily for drawing or propelling
9 trailers, semitrailers, or vehicles of any kind. The term does not include
10 the following:

11 (1) A farm tractor.

12 ~~(2) A farm tractor used in transportation.~~

13 ~~(2)~~ (2) A tractor that is used exclusively for drawing a passenger
14 carrying semitrailer.

15 SECTION 8. IC 9-13-2-188 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 188. (a) "Truck" means
17 a motor vehicle designed, used, or maintained primarily for the
18 transportation of property.

19 (b) "Truck", for purposes of IC 9-21-8-3, includes the following:

20 (1) A motor vehicle designed and used primarily for drawing
21 another vehicle and constructed to carry a load other than a part
22 of the weight of the vehicle and load so drawn.

23 (2) A motor vehicle designed and used primarily as a farm
24 implement for drawing plows, mowing machines, and other
25 implements of ~~husbandry~~ **agriculture**.

26 SECTION 9. IC 9-13-2-196, AS AMENDED BY P.L.143-2002,
27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2004]: Sec. 196. (a) "Vehicle" means, except as otherwise
29 provided in this section, a device in, upon, or by which a person or
30 property is, or may be, transported or drawn upon a highway.

31 (b) "Vehicle", for purposes of IC 9-14 through IC 9-18, does not
32 include the following:

33 (1) A device moved by human power.

34 (2) A vehicle that runs only on rails or tracks.

35 (3) A vehicle propelled by electric power obtained from overhead
36 trolley wires but not operated upon rails or tracks.

37 (4) A firetruck and apparatus owned by a person or municipal
38 division of the state and used for fire protection.

39 (5) A municipally owned ambulance.

40 (6) A police patrol wagon.

41 (7) A vehicle not designed for or employed in general highway
42 transportation of persons or property and occasionally operated
43 or moved over the highway, including the following:

44 (A) Road construction or maintenance machinery.

45 (B) A movable device designed, used, or maintained to alert
46 motorists of hazardous conditions on highways.

47 (C) Construction dust control machinery.

48 (D) Well boring apparatus.

49 (E) Ditch digging apparatus.

(F) An implement of ~~husbandry~~ **agriculture designed to be operated primarily in a farm field or on farm premises.**

(G) An invalid chair.

(H) A yard tractor.

(8) An electric personal assistive mobility device.

(c) For purposes of IC 9-20 and IC 9-21, the term does not include devices moved by human power or used exclusively upon stationary rails or tracks.

(d) For purposes of IC 9-22, the term refers to an automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, a recreational vehicle, or a motorized bicycle.

(e) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9, the term means a device for transportation by land or air. The term does not include an electric personal assistive mobility device.

SECTION 10. IC 9-18-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. This article does not apply to the following:

(1) Farm wagons.

(2) Farm tractors.

~~(3) Farm machinery.~~

~~(4)~~ **(3)** A new motor vehicle if the new motor vehicle is being operated in Indiana solely to remove it from an accident site to a storage location because:

(A) the new motor vehicle was being transported on a railroad car or semitrailer; and

(B) the railroad car or semitrailer was involved in an accident that required the unloading of the new motor vehicle to preserve or prevent further damage to it.

(4) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.

SECTION 11. IC 9-18-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 26. (a) License plates shall be displayed as follows:

(1) For a motorcycle, trailer, semitrailer, or recreational vehicle, upon the rear of the vehicle.

(2) For a ~~farm tractor or~~ tractor, upon the front of the vehicle.

(3) For every other vehicle, upon the rear of the vehicle.

(b) A license plate shall be securely fastened, in a horizontal position, to the vehicle for which the plate is issued:

(1) to prevent the license plate from swinging;

(2) at a height of at least twelve (12) inches from the ground, measuring from the bottom of the license plate;

(3) in a place and position that are clearly visible;

(4) maintained free from foreign materials and in a condition to be clearly legible; and

(5) not obstructed or obscured by tires, bumpers, accessories, or other opaque objects.

(c) The bureau may adopt rules the bureau considers advisable to

enforce the proper mounting and securing of license plates on vehicles consistent with this chapter.

SECTION 12. IC 9-18-2-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 29. Except as otherwise provided, before:

- (1) a motor vehicle;
- (2) a motorcycle;
- (3) a truck;
- (4) a trailer;
- (5) a semitrailer;
- (6) a tractor;
- ~~(7) an implement of husbandry or a farm tractor used in transportation;~~
- ~~(8) (7) a bus;~~
- ~~(9) (8) a school bus;~~
- ~~(10) (9) a recreational vehicle; or~~
- ~~(11) (10) special farm machinery;~~

is operated or driven on a highway, the person who owns the vehicle must register the vehicle with the bureau and pay the applicable registration fee.

SECTION 13. IC 9-18-2-29.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 29.5. Before a piece of special machinery is operated off a highway or in a farm field, the person who owns the piece of special machinery must:**

- (1) register the piece of special machinery with the bureau; and**
- (2) pay the applicable registration fee.**

SECTION 14. IC 9-18-2-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 43. (a) Notwithstanding any law to the contrary but except as provided in subsection (b), a law enforcement officer authorized to enforce motor vehicle laws who discovers a vehicle required to be registered under this article that does not have the proper certificate of registration or license plate:

- (1) shall take the vehicle into the officer's custody; and
- (2) may cause the vehicle to be taken to and stored in a suitable place until:
 - (A) the legal owner of the vehicle can be found; or
 - (B) the proper certificate of registration and license plates have been procured.

(b) A law enforcement officer who discovers a vehicle in violation of the registration provisions of this article ~~has discretion in the impoundment of~~ **may not impound** any of the following:

- (1) Perishable commodities.
- (2) Livestock.

~~(c) A person who recklessly violates this section commits a Class A misdemeanor.~~

SECTION 15. IC 9-19-1-1 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) Except as provided in ~~subsections~~ **subsection (b) through (c)** and as otherwise provided in this chapter, this article does not apply to the following with respect to equipment on vehicles:

- (1) Implements of ~~husbandry~~ **agriculture designed to be operated primarily in a farm field or on farm premises.**
- (2) Road machinery.
- (3) Road rollers.
- (4) Farm tractors.
- (5) Vehicle chassis that:
 - (A) are a part of a vehicle manufacturer's work in process; and
 - (B) are driven under this subdivision only for a distance of less than one (1) mile.

~~(b) A farm type dry or liquid fertilizer tank trailer or spreader that is drawn or towed on a highway by:~~

- ~~(1) a farm tractor; or~~
- ~~(2) a motor vehicle at a speed not greater than thirty (30) miles per hour;~~

~~is considered an implement of husbandry with respect to equipment requirements and all the requirements of this article regarding lamps on combinations; including farm tractors, apply.~~

~~(c)~~ **(b)** A farm type dry or liquid fertilizer tank trailer or spreader that is drawn or towed on a highway by a motor vehicle other than a farm tractor at a speed greater than thirty (30) miles per hour is considered a trailer for equipment requirement purposes and all equipment requirements concerning trailers apply.

SECTION 16. IC 9-19-1-3, AS AMENDED BY P.L.1-1999, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. Sections 4 through 5 of this chapter and IC 9-19-4-3, IC 9-19-4-4, and IC 9-19-5-7:

- (1) do not apply to:
 - (A) machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities;
 - (B) farm drainage machinery;
 - (C) implements of ~~husbandry~~ **agriculture** when used during farming operations or when so constructed that they can be moved without material damage to the highways; or
 - (D) firefighting apparatus owned or operated by a political subdivision or a volunteer fire department (as defined in ~~IC 36-8-12-1~~ **IC 36-8-12-2**); and
- (2) do not limit the width or height of farm vehicles when loaded with farm products.

SECTION 17. IC 9-19-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) A farm tractor and a self-propelled farm equipment unit or an implement of ~~husbandry~~ **agriculture designed to be operated primarily in a farm field or on**

1 **farm premises, when operated on a highway and** not equipped with
 2 an electric lighting system must, at all times required by IC 9-21-7-2,
 3 be equipped with the following:

4 (1) At least one (1) lamp displaying a white light visible from a
 5 distance of not less than five hundred (500) feet to the front of
 6 the vehicle.

7 (2) At least one (1) lamp displaying a red light visible from a
 8 distance of not less than five hundred (500) feet to the rear of the
 9 vehicle.

10 (3) Two (2) red reflectors visible from a distance of one hundred
 11 (100) feet to six hundred (600) feet to the rear when illuminated
 12 by the upper beams of head lamps.

13 The lights required by this subsection must be positioned so that one (1)
 14 lamp showing to the front and one (1) lamp or reflector showing to the
 15 rear will indicate the furthest projection of the tractor, unit, or
 16 implement on the side of the road used in passing the vehicle.

17 (b) A combination of farm tractor and towed unit of farm
 18 equipment or implement of ~~husbandry~~ **agriculture designed to be**
 19 **operated primarily in a farm field or on farm premises, when**
 20 **operated on a highway and** not equipped with an electric lighting
 21 system must, at all times required by IC 9-21-7-2, be equipped with
 22 two (2) red reflectors that meet the following requirements:

23 (1) Are visible from a distance of one hundred (100) feet to six
 24 hundred (600) feet to the rear when illuminated by the upper
 25 beams of head lamps.

26 (2) Are mounted in a manner so as to indicate as nearly as
 27 practicable the extreme left and right rear projections of the
 28 towed unit or implement on the highway.

29 (c) A farm tractor and a self-propelled unit of farm equipment or
 30 an implement of ~~husbandry~~ **agriculture designed to be operated**
 31 **primarily in a farm field or on farm premises, when operated on**
 32 **a highway and** equipped with an electric lighting system must, at all
 33 times required by IC 9-21-7-2, be equipped with the following:

34 (1) Two (2) single-beam or multiple-beam head lamps meeting
 35 the requirements of section 20 or 21 of this chapter IC 9-21-7-9.

36 (2) Two (2) red lamps visible from a distance of not less than
 37 five hundred (500) feet to the rear, or in the alternative, one (1)
 38 red lamp visible from a distance of not less than five hundred
 39 (500) feet to the rear and two (2) red reflectors visible from a
 40 distance of one hundred (100) feet to six hundred (600) feet to
 41 the rear when illuminated by the upper beams of head lamps.

42 The red lamps or reflectors must be mounted in the rear of the farm
 43 tractor or self-propelled implement of ~~husbandry~~ **agriculture** so as to
 44 indicate as nearly as practicable the extreme left and right projections of
 45 the vehicle on the highways.

46 (d) A combination of farm tractor and towed farm equipment or
 47 towed implement of ~~husbandry~~ **agriculture designed to be operated**
 48 **primarily in a farm field or on farm premises, when operated on**

1 **a highway and** equipped with an electric lighting system must, at all
 2 times required by IC 9-21-7-2, be equipped as follows:

3 (1) The farm tractor element of each combination must be
 4 equipped with two (2) single-beam or multiple-beam head lamps
 5 meeting the requirements of section 20 or 21 of this chapter or
 6 IC 9-21-7-9.

7 (2) The towed unit of farm equipment or implement of
 8 ~~husbandry~~ **agriculture** element of each combination must be
 9 equipped with the following:

10 (A) Two (2) red lamps visible from a distance of not less
 11 than five hundred (500) feet to the rear, or as an alternative,
 12 one (1) red lamp visible from a distance of not less than five
 13 hundred (500) feet to the rear.

14 (B) Two (2) red reflectors visible from a distance of one
 15 hundred (100) feet to six hundred (600) feet to the rear
 16 when illuminated by the upper beams of head lamps.

17 The red lamps or reflectors must be located so as to indicate as
 18 nearly as practicable the extreme left and right rear projections of
 19 the towed unit or implement on the highway.

20 (3) A combination of farm tractor and towed farm equipment or
 21 towed implement of ~~husbandry~~ **agriculture** equipped with an
 22 electric lighting system must be equipped with the following:

23 (A) A lamp displaying a white or an amber light, or any
 24 shade of color between white and amber, visible from a
 25 distance of not less than five hundred (500) feet to the front.

26 (B) A lamp displaying a red light visible from a distance of
 27 not less than five hundred (500) feet to the rear.

28 The lamps must be installed or capable of being positioned so as
 29 to indicate to the front and rear the furthest projection of that
 30 combination on the side of the road used by other vehicles in
 31 passing that combination.

32 (e) A farm tractor, a self-propelled farm equipment unit, or an
 33 implement of ~~husbandry~~ **agriculture** must not display blinding field or
 34 flood lights when operated on a highway.

35 (f) All rear lighting requirements may be satisfied by having a
 36 vehicle with flashing lights immediately trail farm equipment in
 37 accordance with IC 9-21-7-11.

38 SECTION 18. IC 9-19-18-3 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) Except as
 40 provided in subsections (b) through (d), a tire on a vehicle moved on
 41 a highway may not have on the tire's periphery a block, stud, flange,
 42 cleat, or spike or any other protuberance of any material other than
 43 rubber that projects beyond the tread of the traction surface of the tire.

44 (b) ~~Farm machinery~~ **Implements of agriculture** may use tires
 45 having protuberances that will not injure the highway.

46 (c) Tire chains of reasonable proportions may be used upon a
 47 vehicle when required for safety because of snow, ice, or other
 48 conditions tending to cause a vehicle to skid.

49 (d) From October 1 to the following May 1, a vehicle may use tires

in which have been inserted ice grips or tire studs of wear-resisting material, installed in a manner that provides resiliency upon contact with the road, with projections that do not exceed three thirty-seconds (3/32) of an inch beyond the tread of the traction surface of the tire, and constructed to prevent any appreciable damage to the road surface.

SECTION 19. IC 9-19-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. The Indiana department of transportation and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of:

- (1) traction engines; ~~or~~
- (2) tractors having movable tracks with transverse corrugations upon the periphery of movable tracks; or
- (3) farm tractors or ~~other farm machinery~~, **implements of agriculture designed to be operated primarily in a farm field or on farm premises;**

the operation of which upon a highway would otherwise be prohibited under this chapter.

SECTION 20. IC 9-20-2-2, AS AMENDED BY P.L.1-1999, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) As used in this section, "farm vehicle loaded with a farm product" includes a truck hauling unprocessed leaf tobacco.

(b) Except for interstate highway travel, this article does not apply to the following:

- (1) Machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities.
- ~~(2) Farm drainage machinery.~~
- ~~(3)~~ (2) Implements of ~~husbandry~~ **agriculture** when used during farming operations or when so constructed that the implements can be moved without material damage to the highways.

(c) This article does not apply to firefighting apparatus owned or operated by a political subdivision or volunteer fire department (as defined in IC 36-8-12-2).

(d) Except for interstate highway travel, this article does not limit the width or height of a farm vehicle loaded with a farm product.

SECTION 21. IC 9-21-8-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 27. (a) Except as provided in subsection (b), a stop or turn signal required under this chapter may be given by means of the hand and arm or by a signal lamp or lamps or mechanical signal device.

(b) This subsection does not apply to farm tractors and implements **of agriculture designed to be operated primarily in a farm field or on farm premises.** A motor vehicle in use on a highway must be equipped with and a required signal shall be given by a signal lamp or lamps or mechanical signal device when either of the following conditions exist:

- (1) The distance from the center of the top of the steering post

to the left outside limit of the body, cab, or load of the motor vehicle exceeds twenty-four (24) inches.

(2) The distance from the center of the top of the steering post to the rear limit of the body or load of the motor vehicle exceeds fourteen (14) feet. This measurement applies to a single vehicle and a combination of vehicles.

SECTION 22. IC 9-21-8-46 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 46. A person may not drive or operate:

- (1) an implement of ~~husbandry~~ **agriculture designed to be operated primarily in a farm field or on farm premises; or**
- (2) **a piece of special machinery;**

upon any part of an interstate highway.

SECTION 23. IC 9-21-8-47, AS AMENDED BY P.L.1-1999, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 47. The following vehicles must be moved or operated so as to avoid any material damage to the highway or unreasonable interference with other highway traffic:

- (1) Machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities.
- (2) Farm drainage machinery.
- (3) Implements of ~~husbandry~~ **agriculture.**
- (4) Firefighting apparatus owned or operated by a political subdivision or a volunteer fire department (as defined in IC 36-8-12-2).
- (5) Farm vehicles loaded with farm products.

SECTION 24. IC 9-21-21 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:

Chapter 21. Farm Vehicles Involved in Commercial Enterprises

Sec. 1. A motor vehicle, trailer, or semitrailer and tractor may be operated primarily as a farm truck, farm trailer, or farm semitrailer and tractor if the vehicle meets the specifications set forth in IC 9-29-5-13(b).

Sec. 2. A farm truck, farm trailer, or farm semitrailer and tractor described in section 1 of this chapter may not be operated:

- (1) **part time or incidentally in the conduct of a commercial enterprise; or**
- (2) **for the transportation of farm products after the commodities have entered the channels of commerce.**

Sec. 3. A farm truck described in section 1 of this chapter may be used for personal purposes if the vehicle otherwise qualifies for that class of registration.

Sec. 4. If the owner of a farm truck, farm trailer, or farm semitrailer and tractor described in section 1 of this chapter

1 begins to operate, or permits the farm truck, farm trailer, or farm
2 semitrailer and tractor to be operated:

- 3 (1) in the conduct of a commercial enterprise; or
- 4 (2) for the transportation of farm products after the
- 5 commodities have entered the channels of commerce during
- 6 a registration year for which the license fee under
- 7 IC 9-29-5-13 has been paid;

8 the owner shall pay the amount computed under IC 9-29-5-13.5
9 due for the remainder of the registration year for the license fee.

10 **Sec. 5.** In addition to the penalty provided in section 7 of this
11 chapter, a person that operates a vehicle, or allows a vehicle that
12 the person owns to be operated when the vehicle is:

- 13 (1) registered under this chapter as a farm truck, farm
- 14 trailer, or farm semitrailer and tractor; and
- 15 (2) operated as set forth in section 4 of this chapter;

16 commits a Class C infraction. However, the offense is a Class B
17 infraction if, within the three (3) years preceding the commission
18 of the offense, the person had a prior unrelated judgment under
19 this section.

20 **Sec. 6.** For purposes of this chapter, the operation of a vehicle
21 in violation of section 4 of this chapter is a continuing offense and
22 the venue for prosecution lies in a county in which the unlawful
23 operation occurred. However, a:

- 24 (1) judgment against; or
- 25 (2) finding by the court for;

26 the owner or operator bars a prosecution in another county.

27 **Sec. 7. (a)** A law enforcement officer (as defined in
28 IC 9-13-2-92(1), IC 9-13-2-92(2), or IC 9-13-2-92(3)) who discovers
29 a vehicle registered under this chapter as a farm truck, farm
30 trailer, or farm semitrailer and tractor that is being operated as
31 set forth in section 4 of this chapter:

- 32 (1) may take the vehicle into the officer's custody; and
- 33 (2) may cause the vehicle to be taken to and stored in a
- 34 suitable place until:
- 35 (A) the legal owner of the vehicle can be found; or
- 36 (B) the proper certificate of registration and license
- 37 plates have been procured and the amount computed
- 38 under IC 9-29-5-13.5 has been paid.

39 (b) A law enforcement officer described in subsection (a) who
40 discovers a vehicle in violation of the registration provisions of
41 this chapter may not impound any of the following:

- 42 (1) Perishable commodities.
- 43 (2) Livestock.

44 **SECTION 25.** IC 9-24-1-7 IS AMENDED TO READ AS
45 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. Sections 1 through
46 5 of this chapter do not apply to the following individuals:

(1) An individual in the service of the armed forces of the United States while operating an official motor vehicle in that service.

(2) An individual while operating: ~~an~~

(A) a road roller;

(B) road construction or maintenance machinery, except where the road roller or machinery is required to be registered under Indiana law;

(C) a ditch digging apparatus;

(D) a well drilling apparatus;

(E) a concrete mixer; or

(F) a farm tractor or an implement of ~~husbandry~~,
agriculture designed to be operated primarily in a farm field or on farm premises;

that is being temporarily drawn, moved, or propelled on an Indiana public highway.

(3) A nonresident who:

(A) is at least sixteen (16) years and one (1) month of age; and

(B) has in the nonresident's immediate possession a valid operator's license that was issued to the nonresident in the nonresident's home state or country;

while operating a motor vehicle in Indiana only as an operator.

(4) A nonresident who:

(A) is at least eighteen (18) years of age; and

(B) has in the nonresident's immediate possession a valid chauffeur's license that was issued to the nonresident in the nonresident's home state or country;

while operating a motor vehicle upon a public highway, either as an operator or a chauffeur.

(5) A nonresident who:

(A) is at least eighteen (18) years of age; and

(B) has in the nonresident's immediate possession a valid license issued by the nonresident's home state for the operation of any motor vehicle upon a public highway when in use as a public passenger carrying vehicle;

while operating a motor vehicle upon a public highway.

(6) A nonresident whose home state or country does not require the licensing of operators or chauffeurs and who has not been licensed as an operator or a chauffeur in the nonresident's home state or country as an operator if the nonresident is at least sixteen (16) years and thirty (30) days of age and less than eighteen (18) years of age or as a chauffeur if the nonresident is at least eighteen (18) years of age, for not more than sixty (60) days in any one (1) year if the following conditions exist:

(A) The unlicensed nonresident is the owner of the motor vehicle or the authorized driver of the vehicle.

(B) The vehicle has been registered for the current year in the state or country of which the owner is a resident.

(C) The motor vehicle at all times displays a registration plate issued in the home state or country of the owner.

(D) The nonresident owner or driver has in the owner's or driver's immediate possession a registration card evidencing ownership and registration in the owner's or driver's home state or country or is able at any required time or place to do the following:

(i) Prove lawful possession or the right to operate the motor vehicle.

(ii) Establish the nonresident's proper identity.

(7) An individual who is legally licensed to operate a motor vehicle in the state of the individual's residence and who is employed in Indiana, subject to the restrictions imposed by the state of the individual's residence.

(8) A new resident of Indiana who possesses an unexpired driver's license issued by the resident's former state of residence, for a period of sixty (60) days after becoming a resident of Indiana.

(9) An individual who is an engineer, a conductor, a brakeman, or another member of the crew of a locomotive or a train that is being operated upon rails, including the operation of the locomotive or the train on a crossing over a street or a highway. An individual described in this subdivision is not required to display a license to a law enforcement officer in connection with the operation of a locomotive or a train in Indiana.

SECTION 26. IC 9-29-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) This section does not apply to a vehicle or person exempted from registration under IC 9-18.

(b) The license fee for ~~a motor vehicle that has: (1) a corn sheller; (2) a well driller; (3) a hay press; (4) a clover huller; (5) a farm wagon type liquid fertilizer tank trailer; or (6) farm machinery; that is permanently mounted on the motor vehicle and used solely for transporting the equipment~~ **a piece of special machinery** is five dollars (\$5). The motor vehicle is exempt from other fees provided under IC 9-18 or this article.

~~(c) The license fee for a farm wagon used for transporting farm products and farm supplies in connection with a farming operation is five dollars (\$5). The farm wagon is exempt from other fees provided under IC 9-18 or this article.~~

~~(d) The license fee for a farm type dry or liquid fertilizer tank trailer or spreader or implement of husbandry used to transport bulk fertilizer between distribution point and farm and return is five dollars (\$5). The trailer, spreader, or implement is exempt from the other fees provided under IC 9-18 or this article.~~

~~(e)~~ (c) The owner of a vehicle listed in this section is not entitled to a reduction in the five dollar (\$5) license fee because the license is granted at a time that the license period is less than a year.

SECTION 27. IC 9-29-5-12 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. A farm wagon or farm type dry or liquid fertilizer tank trailer or spreader used to transport bulk fertilizer between distribution point and farm and return is exempt from all license fees when the wagon, trailer, or spreader is drawn or towed on a highway by a:

(1) farm tractor; or

(2) properly registered motor vehicle.

~~that is registered as a farm tractor used in transportation.~~

SECTION 28. IC 9-29-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. (a) This section does not apply to a vehicle or person exempt from registration under IC 9-18.

(b) The license fee for a motor vehicle, trailer, or semitrailer and tractor operated primarily as a farm truck, farm trailer, or farm semitrailer and tractor:

(1) having a declared gross weight of at least ~~eleven sixteen~~ thousand ~~(11,000)~~ **(16,000)** pounds; and

(2) used by the owner or guest occupant in connection with agricultural pursuits usual and normal to the user's farming operation;

is fifty percent (50%) of the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight.

~~(c) A farm truck, farm trailer, or farm semitrailer and tractor described in subsection (b) may not be operated either part time or incidentally in the conduct of a commercial enterprise or for the transportation of farm products after the commodities have entered the channels of commerce.~~

~~(d) A farm truck described in subsection (b) may be used for personal purposes if the vehicle otherwise qualifies for that class of registration.~~

SECTION 29. IC 9-29-5-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 42. (a) Except as provided in subsection (c), vehicles not subject to IC 9-18-2-8 shall be registered at one-half (1/2) of the regular rate, subject to IC 9-18-2-7, if the vehicle is registered after July 31 of any year. This subsection does not apply to the following:

~~(1) A farm tractor used in transportation.~~

~~(2)~~ **(1)** Special farm machinery.

~~(3)~~ **(2)** Semitrailers registered on a five (5) year or permanent basis under IC 9-18-10-2.

(3) An implement of agriculture designed to be operated primarily on a highway.

(b) Except as provided in subsection (c), subsection (a) and IC 9-18-2-7 determine the registration fee for the registration of a vehicle subject to registration under IC 9-18-2-8(c), IC 9-18-2-8(d), and IC 9-18-2-8(e) and acquired by an owner subsequent to the date required for the annual registration of vehicles by an owner set forth in IC 9-18-2-8.

(c) Subject to subsection (d), a vehicle subject to the International Registration Plan that is registered after September 30 shall be registered at a rate determined by the following formula:

STEP ONE: Determine the number of months before April 1 of the following year beginning with the date of registration. A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual registration fee for the vehicle by the STEP TWO result.

(d) If the department of state revenue adopts rules under IC 9-18-2-7 to implement staggered registration for motor vehicles subject to the International Registration Plan, a motor vehicle subject to the International Registration Plan that is registered after the date designated for registration of the motor vehicle in rules adopted under ~~IC 9-17-2-7~~ **IC 9-18-2-7** shall be registered at a rate determined by the following formula:

STEP ONE: Determine the number of months before the motor vehicle must be re-registered. A partial month shall be rounded to one (1) month.

STEP TWO: Multiply the STEP ONE result by one-twelfth (1/12).

STEP THREE: Multiply the annual registration fee for the vehicle by the STEP TWO result.

SECTION 30. IC 13-11-2-245 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 245. (a) "Vehicle", for purposes of IC 13-17-5, refers to a vehicle required to be registered with the bureau of motor vehicles and required to have brakes. The term does not include the following:

~~(1) Farm tractors.~~

~~(2) Implements of husbandry.~~

~~(3) Farm tractors used in transportation.~~

~~(4) (1) Mobile homes (house trailers).~~

~~(5) (2) Trailers weighing not more than three thousand (3,000) pounds.~~

~~(6) (3) Antique motor vehicles.~~

(4) Special machinery (as defined in IC 9-13-2-170.3).

(b) "Vehicle", for purposes of IC 13-18-12, means a device used to transport a tank.

(c) "Vehicle", for purposes of IC 13-20-4, refers to a municipal waste collection and transportation vehicle.

(d) "Vehicle", for purposes of IC 13-20-13-7, means a motor vehicle and types of equipment, machinery, implements, or other devices used in transportation, manufacturing, agriculture, construction, or mining. The term does not include the following:

(1) A lawn and garden tractor that is propelled by a motor of not more than ~~twenty (20)~~ **twenty-five (25)** horsepower.

(2) A semitrailer.

(e) "Vehicle", for purposes of IC 13-20-14, has the meaning set

1 forth in IC 9-13-2-196.

2 SECTION 31. IC 26-1-9.1-311, AS ADDED BY P.L.57-2000,
3 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2004]: Sec. 311. (a) Except as otherwise provided in
5 subsection (d), the filing of a financing statement is not necessary or
6 effective to perfect a security interest in property subject to:

7 (1) a statute, regulation, or treaty of the United States whose
8 requirements for a security interest's obtaining priority over the
9 rights of a lien creditor with respect to the property preempt
10 IC 26-1-9.1-310(a);

11 (2) any Indiana certificate-of-title statute covering automobiles,
12 trailers, mobile homes, ~~or boats, farm tractors or the like,~~ which
13 provides for a security interest to be indicated on the certificate
14 as a condition or result of perfection; or

15 (3) a certificate-of-title statute of another jurisdiction which
16 provides for a security interest to be indicated on the certificate
17 as a condition or result of the security interest's obtaining priority
18 over the rights of a lien creditor with respect to the property.

19 (b) Compliance with the requirements of a statute, regulation, or
20 treaty described in subsection (a) for obtaining priority over the rights
21 of a lien creditor is equivalent to the filing of a financing statement
22 under IC 26-1-9.1. Except as otherwise provided in subsection (d),
23 IC 26-1-9.1-313, IC 26-1-9.1-316(d), and IC 26-1-9.1-316(e) for
24 goods covered by a certificate of title, a security interest in property
25 subject to a statute, regulation, or treaty described in subsection (a) may
26 be perfected only by compliance with those requirements, and a
27 security interest so perfected remains perfected notwithstanding a
28 change in the use or transfer of possession of the collateral.

29 (c) Except as otherwise provided in subsection (d),
30 IC 26-1-9.1-316(d), and IC 26-1-9.1-316(e), duration and renewal of
31 perfection of a security interest perfected by compliance with the
32 requirements prescribed by a statute, regulation, or treaty described in
33 subsection (a) are governed by the statute, regulation, or treaty. In other
34 respects, the security interest is subject to IC 26-1-9.1.

35 (d) During any period in which collateral, subject to a statute
36 specified in subsection (a)(2), is inventory held for sale or lease by a
37 person or leased by that person as lessor, and that person is in the
38 business of selling goods of that kind, this section does not apply to a
39 security interest in that collateral created by that person, but instead, the
40 filing provisions of IC 26-1-9.1-501 through IC 26-1-9.1-527 apply.

41 SECTION 32. THE FOLLOWING ARE REPEALED [EFFECTIVE
42 JULY 1, 2004]: IC 6-6-2.5-11; IC 9-13-2-55; IC 9-13-2-57;
43 IC 9-13-2-169; IC 9-29-5-19.

44 SECTION 33. [EFFECTIVE JULY 1, 2004] **(a) Notwithstanding**
45 **IC 9-13-2-77(b), as added by this act, the bureau of motor vehicles**
46 **shall carry out the duties imposed on it under IC 9-13-2-77(b), as**
47 **added by this act, under interim written guidelines approved by**
48 **the commissioner of motor vehicles.**

1 (b) This SECTION expires on the earlier of the following:

2 (1) The date rules are adopted under IC 9-13-2-77(b), as
3 added by this act.

4 (2) December 31, 2005.

5 SECTION 34. [EFFECTIVE JULY 1, 2004] (a) Notwithstanding
6 IC 9-29-5-13, as amended by this act, the requirement that a
7 motor vehicle, trailer, or semitrailer and tractor must have a
8 declared gross weight of at least sixteen thousand (16,000) pounds
9 in order to be categorized as a farm truck, farm trailer, or farm
10 semitrailer and tractor does not apply to a motor vehicle, trailer,
11 or semitrailer and tractor before January 1, 2005.

12 (b) This SECTION expires December 31, 2005.

13 SECTION 35. [EFFECTIVE UPON PASSAGE] (a) The bureau
14 of motor vehicles shall adopt rules under IC 4-22-2 to identify and
15 define "farm truck", "farm trailer", and "farm semitrailer and
16 tractor", as required by IC 9-13-2-58.

17 (b) Notwithstanding subsection (a), the bureau of motor
18 vehicles shall carry out the duties imposed on it by IC 9-13-2-58
19 and by this SECTION under interim written guidelines approved
20 by the commissioner of motor vehicles.

21 (c) This SECTION expires on the earlier of the following:

22 (1) The date rules are adopted under IC 9-13-2-58.

23 (2) December 31, 2005."

24 SECTION 36. An emergency is declared for this act.

25 Renumber all SECTIONS consecutively.

 (Reference is to ESB 383 as printed February 13, 2004.)

Representative CHERRY